Permit No. WA-003105-4
Issuance Date: September 1, 2005
Effective Date: September 1, 2005
Expiration Date: September 1, 2010
Modification Date: July 25, 2006

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA-003105-4

State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
3190 - 160th Avenue SE
Bellevue, WA 98008-5452

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

FOSS MARITIME COMPANY
660 West Ewing Street
Seattle, Washington 98119-1587

Facility Location:

660 West Ewing Street
Seattle, Washington 98119
King County

Receiving Water:

Lake Washington Ship Canal
Lake Class

Water Body I.D. No.:

WA-08-9340

Discharge Location:

Latitude: 47° 39' 15" N
Longitude: 122° 22' 00" W

Industry Type:

Ship Repair

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is authorized to discharge in accordance with the Special and General Conditions which follow.

Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

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SPECIAL CONDITIONS

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SUMMARY OF SCHEDULED PERMIT REPORT SUBMITTALS

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Quarterly	January 1, 2006
S3.H.3	Notice of Change in Authorization	As necessary	
G17.	Application for Permit Renewal	1/permit cycle	March 1, 2010

SPECIAL CONDITIONS

S1. FINAL EFFLUENT LIMITATIONS

A. Pressure Wash Wastewater

All discharges of hydroblast or pressure wash wastewater to the Lake Washington Ship Canal are hereby prohibited.

B. Drydock Flood Water: DD1, DD2, DD3, and DD4

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge drydock flood water from Drydocks No. 1 (DD1) and No. 2 (DD2) to Lake Washington Ship Canal subject to meeting the following limitations:

FINAL EFFLUENT LIMITATIONS: # DD1 and DD2	
Parameter	**Maximum Daily[a]**
Oil and grease	No visible sheen
Oil and grease	5 mg/L
Turbidity	5 NTU above background

[a] The maximum daily effluent limitation is defined as the highest allowable daily discharge.

S2. TESTING SCHEDULE

Drydock Discharges

The Permittee shall monitor the drydock flood water from Drydocks No. 1 (DD1), No. 2 (DD2), No. 3 (DD3), and No. 4 (DD4) according to the following schedule:

Parameter	Sampling Frequency[a]	Sample Type[b]
Visible sheen	Each flooding	Visual inspection
Oil and grease	Quarterly	Grab
Turbidity	Quarterly	Grab
Background turbidity[c]	Quarterly	Grab

[a] Drydock flood water shall be examined for visible sheen each time a drydock is being flooded in order to undock a vessel. Turbidity samples shall be collected quarterly in each drydock while the drydock is being flooded to undock a vessel that has had hull work done. If there are no vessel launches in a given quarter, this shall be clearly stated on that quarter's discharge monitoring report.

[b] Grab samples of flood water shall be taken at the water surface as the drydock is lowered to launch the vessel and the water is between 3 and 6 feet above the drydock deck. The sampling location shall be in line with the end of the wingwall and approximately five feet out from the wingwall.

[c] Background turbidity samples shall be taken from the north end of Pier E within one hour prior to flooding the drydock, or at another time and location agreed to by the Department.

S3. MONITORING AND REPORTING

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Drydock monitoring results obtained during the previous quarter shall be summarized and reported quarterly on the discharge monitoring report (DMR) form (EPA 3320-1) provided, or otherwise approved, by the Department, and submitted no later than the 30th day of the month following the completed reporting period, unless otherwise specified in this permit. The report(s) shall be sent to the Department of Ecology, Northwest Regional Office, 3190 - 160th Avenue SE, Bellevue, Washington 98008-5452. All laboratory report sheets for priority pollutant metals shall be included with the DMRs.

Discharge Monitoring Report forms must be submitted quarterly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, the Permittee is required to submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Representative Sampling

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored discharge, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

E. Test Procedures

All sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136, unless otherwise specified in this permit or approved in writing by the Department.

F. Laboratory Accreditation

All monitoring data, except for flow, temperature, settleable solids, conductivity, pH, and internal process control parameters, shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by the Department.

G. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit (S2) using test procedures specified by Condition S3.E of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

H. Signatory Requirements

All applications, reports, or information submitted to the Department shall be signed and certified.

1. All permit applications shall be signed by either a principal executive officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

2. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

    a. The authorization is made in writing by a person described above and submitted to the Department, and

    b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph I.2.b is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of I.2.b must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations."

S4. STORMWATER POLLUTION PREVENTION PLAN

The Permittee shall submit to the Department an update to the existing Stormwater Pollution Prevention Plan (SWPPP) with the permit reapplication required in General Condition G17 (December 30, 2009).

The Permittee shall modify the existing SWPPP whenever there is a change in design, construction, operation, or maintenance which causes the SWPPP to be less effective in controlling pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) weeks of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least thirty (30) days in advance of implementing the proposed changes in the plan unless the Department approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Plan

The Permittee shall incorporate the existing Solid Waste Control Plan into the Stormwater Pollution Prevention Plan required in Special Condition S6.

S6. SPILL PLAN

The Permittee shall submit to the Department an update to the existing Spill Control Plan within twelve (12) months of the permit issuance date (June 30, 2006) and with the permit reapplication required in General Condition G17 (December 30, 2009).

The Spill Control Plan shall address the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, 2) materials, which when spilled, or otherwise released into the environment, are designated dangerous waste (DW) or extremely hazardous waste (EHW) by the procedures set forth in WAC 173-303-070, or 3) other materials which may become pollutants or cause pollution upon reaching state's waters. The Permittee shall review and update the Spill Control Plan, as needed, at least annually. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The updated Spill Control Plan shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals required by 40 CFR Part 112, and contingency plans required by Chapter 173-303 WAC may be submitted.

S7. BEST MANAGEMENT PRACTICES

A. Control of Large Solid Materials

Floatable and low density waste, such as wood, plastic and miscellaneous trash (such as paper, insulation and packaging), shall be removed from the drydock floors prior to flooding.

B. Control and Cleanup of Paint Dust and Abrasive Blasting Debris

Dust and overspray shall be confined to the shipyard repair and construction areas to the maximum extent feasible during abrasive blasting and spray painting of vessels and modules, and other activity that has a potential to result and release of a significant quantity of dust or airborne pollutants to waters of the state. Feasible methods of control include conducting the work in a sandblast/spray paint shed, or installing plastic barriers around the vessel. Plastic barriers hung from the vessel, or temporary structures around the vessel should be secure and arranged to prevent fugitive emissions of abrasive grit and dust, as well as effectively capture overspray from spray painting activities. The bottom edge of tarpaulins and plastic sheeting shall be weighted or fastened to remain in place during a light breeze.

Consideration shall also be given to other feasible innovative procedures as appropriate to improve the effectiveness of controlling dust emissions and paint overspray. Such innovative methods may include wet abrasive blasting (slurry blasting), product substitution for blasting media, e.g. sodium bicarbonate, or overall waste minimization and recycling (e.g. the use of vacuum return sandblasting heads or steel shot blast technology).

No abrasive blasting or spray painting of vessels shall be performed while vessels are docked pier-side such that material is discharged to the receiving water.

Cleanup of spent paint, paint chips, protective coating materials, and abrasive grit shall be undertaken as part of the repair or production activities, to the extent maximally feasible, as to prevent their entry into state waters.

Vessels shall be set on the drydock ways to afford accessibility to the floor of the drydock beneath the vessel for collection of spent abrasive. The drydock shall be cleaned of spent sandblast grit and debris prior to launching a vessel. Cleaning may be accomplished by either manual or mechanical sweeping with vacuuming to remove fine grit and debris into the receiving water.

The flooding and sinking of drydocks with standing piles of spent abrasive on the drydock floor is prohibited.

Photographs shall be taken and maintained in a logbook to demonstrate the condition of the drydock floor prior to launching every vessel. Documentation accompanying the photographs shall include the name of the vessel, the drydock number, the date the vessel was launched, the date the photograph was taken, and the name of the photographer. A videotape that documents the same information may be used in place of a photograph collection.

The yard shall be cleaned on a regular basis to minimize the possibility that stormwater runoff will carry sandblasting grit or other debris into the receiving water. Collected sandblasting debris shall be stored under cover in a designated area with the spent abrasive grit. Innovations and procedures which improve the effectiveness of cleanup operations shall be adopted where they are feasible, appropriate, and can be demonstrated as preventing the discharge of solids to water.

C. In-Water Vessel Maintenance—Surface Preparation BMPs

The cleaning of any portion of a vessel's hull below the waterline while the vessel is afloat is prohibited.

The following types of surface preparation activities are allowed to be conducted on a vessel's hull above the waterline while it is a permitted shipyard facility. These activities are only allowed provided that containment and collection BMP measures are in effect to prevent the introduction of dust, dirt, debris, or any other pollutants generated from these surface preparation operations from being deposited on or entering into waters of the state:

- Mechanical hand preparation, such as scraping or wire brushing;

- Conventional mechanical grinding or use of other powered mechanical abrading tools;

- Innovative abrasive blasting systems or ultra-high water pressure systems for surface preparation will be allowed to be conducted on a vessel's hull while it is in the water provided that it has been demonstrated before-hand to Department of Ecology's satisfaction that such methods do not release generated pollutants into waters of the state.

In-Water Vessel Maintenance—Paint and Coating Application BMPs

The following methods of paint and coating applications to a vessel's hull while in the water at an NPDES-permitted shipyard are allowed provided that all containment, collection, and spill prevention BMPs are in place before any such applications are made to a vessel's hull:

- Application by roller

- Application by brush

- Innovative spray-paint or spray-coating application methods will be allowed to be conducted on a vessel's hull while it is in the water provided that it has been demonstrated before-hand to Department of Ecology's satisfaction that such methods do not release generated pollutants into the waters of the state.

BMPs for Floats used for In-Water Vessel Maintenance

Floats are defined as free-floating, unattached work platforms capable of moving back and forth along the length of the ship and around its hull.

Floats shall at all times maintain a minimum of 1" of freeboard at the floats lowest point during all phases of maintenance operations. The minimum 1" freeboard requirement must be maintained with all scaffolding configurations and number of persons on board the float. All necessary precautions will be taken by personnel on board the float to prevent paints, cleaning materials, petroleum products, all other liquids and unsecured materials from entering into the water from the float.

Any container of paint, marine coating or any other liquid product for painting or surface preparation of one gallon or greater must be provided with secondary containment when used on board a float. All roller pans used on a float must be provided with secondary spill containment. Secondary spill containment capacity is equal to the entire volume of the container plus 10% of the volume of that same container.

Documentation Requirements for In-Water Vessel Maintenance BMPs

Documentation requirements will be in effect for any in-water surface preparation operations of one hour or more in duration and any in-water coating or painting operation involving ½ gallon or more of paint or marine coating.

Document requirements will consist at a minimum of one or more representative photographs of all in-water vessel maintenance BMPs which are implemented for surface preparation operations and all painting and coating operations. All such photographs shall be dated and maintained in a logbook with all necessary descriptive narrative of the in-water vessel maintenance BMPs being documented. These records shall be made available to a Department of Ecology inspector upon request and will be retained on site for at least three (3) years.

D. Oil, Grease, Paint and Fuel Spills Prevention and Containment

No discharge of oil, other hazardous material, or paint to state waters is allowed, except as specifically authorized by this permit. Oil, grease, fuel or paint spills shall be prevented from reaching drainage systems or surface waters. Cleanup shall be carried out promptly after an oil, grease, fuel or paint spill is detected. Oil containment booms and adsorbents shall be conveniently stored so as to be immediately deployable in the event of a spill. All yard personnel that may participate in cleanup of spills shall be trained in the use and deployment of cleanup equipment.

In the event of an accidental discharge of oil or hazardous material into waters of the state or onto land with a potential for entry into state waters, the Department's Northwest Regional Office Spill Response Section and the United States Coast Guard shall be notified immediately.

1. Cleanup efforts shall commence immediately and be completed as soon as possible, taking precedence over normal work, and shall include proper disposal of spilled material and used cleanup material.

2. Cleanup of oil or hazardous material spills shall be in accordance with an approved spill control plan, or according to specific instructions of an on-scene coordinator.

3. No emulsifiers or dispersants are to be used in or upon the waters of the state without prior approval from the Director of the Department of Ecology. Drip pans or other protective devices shall be required for all oil transfer operations to catch incidental spills and drips from hose nozzles, hose racks, drums or barrels. Oils and fuel storage tanks shall be provided with secondary containment.

E. Paint and Solvent Use and Containment

The mixing of paints and solvents shall be carried out in locations and under conditions such that no spill shall enter state waters.

1. Drip pans or other protective devices shall be required for all paint mixing and solvent transfer operations, unless the mixing operation is carried out in covered and controlled areas away from storm drains, surface waters, shorelines and piers. Drip pans, drop cloths, or tarpaulins shall be used wherever paints and solvents are mixed on wood docks. Paints and solvents shall not be mixed on floats.

2. When painting from floats or near storm drains, paint shall be in cans of five gallons or less. The paint containers shall be kept in drip pans with drop cloths or tarpaulins underneath the drip pans.

3. Paint and solvent spills shall be treated as oil spills and shall be prevented from reaching storm drains and subsequent discharge into the water.

F. Contact Between Water and Debris

Shipboard cooling and noncontact cooling water shall be directed as to minimize contact with spent abrasives, paint chips and other debris. Contact between spent abrasives or paint chips and water will be reduced by proper segregation and control of wastewater streams. Appropriate methods shall be incorporated to prevent accumulation of debris in drainage systems and debris shall be promptly removed to prevent its discharge with stormwater.

G. Maintenance of Hoses, Soil Chutes and Piping

Leaking connections, valves, pipes, hoses, and soil chutes carrying either water or wastewater shall be replaced or repaired immediately. Soil chute and hose connections to vessels and to receiving lines or containers shall be tightly connected and as leak free as practicable.

H. Bilge and Ballast Water

Oily bilge waters from machinery or pump room spaces are prohibited from discharge to state waters and must be handled accordingly by a waste oil hauler or tank cleaning service. Yard operators are to encourage vessel owners/operators to de-ballast prior to yard repair periods.

Non-oily bilge and ballast water discharges shall not exceed an oil and grease concentration of 10 mg/L and shall not cause any visible sheen in the receiving waters. Monitoring shall be conducted prior to discharge and the results shall be made available upon request.

Bilge and ballast water shall not be discharged to state waters if solvents, detergents, or other known or suspected additives or contaminants have been added, unless a state water quality variance or modification has been granted specific to that instance.

I. Chemical Storage

Solid chemicals, chemical solutions, paints, oils, solvents, acids, caustic solutions and waste materials, including used batteries, shall be stored in a manner which will prevent the inadvertent entry of these materials into waters of the state, including ground water. Storage shall be in a manner that will prevent spills due to overfilling, tipping or rupture. In addition, the following practices shall be used:

1. All liquid products shall be stored on durable impervious surfaces and within bermed containment capable of containing 110% of the largest single container in the storage area.

2. Waste liquids shall be stored under cover, such as tarpaulins or roofed structures. All waste storage areas, whether for waste oil or hazardous waste, shall be clearly designated as such and kept segregated from new product storage.

3. Incompatible or reactive materials shall be segregated and securely stored in separate containment areas that would prevent the inadvertent mixing and reaction of spilled chemicals.

4. Concentrated waste or spilled chemicals shall be transported off-site for disposal at a facility approved by the Department of Ecology or appropriate county health authority in accordance with the solid waste disposal requirements of Special Condition S7. These materials shall not be discharged to any sewer or state waters.

J. Recycling of Spilled Chemicals and Rinse Water

Any intercepted chemical spill shall be recycled back to the appropriate chemical solution tank or cleaned up and disposed of properly. The spilled material must be handled, recycled, or disposed of in such a manner as to prevent its discharge into state waters.

K. Education of Employees, Contractors and Customers

To facilitate the consistent and effective implementation of the BMPs described above, the Permittee shall develop a program for training its employees, and all contractors who work at the facility, on BMPs and the environmental concerns related to this permit. There are a variety of ways to accomplish this and the Permittee should determine the method that works best for the company. For example, regular safety meetings may be a convenient time to discuss BMP implementation successes or problems and get input on better ways of accomplishing pollution prevention. The Permittee may consider providing similar information to its customers.

L. Sewage and Gray Water Discharges Prohibited

Owners of vessels in the drydocks or under repair dockside shall be notified in writing by the Permittee that federal and state regulations prohibit the discharge of sewage and gray water into the waterways. If untreated sanitary wastes from vessels must be discharged, the discharge shall be to either the sanitary sewer or into holding tanks that are periodically emptied into a sanitary sewer system. The Permittee will make available at all times a list of contractors providing disposal services and any other alternatives available for complying with these regulations, such as holding tanks and pump-out facilities.

Owners of vessels in the dry docks, graving dock, railway, or under repair dockside shall be notified in writing by the Permittee that federal and state regulations prohibit the discharge of sewage and gray water into the waterways. If untreated sanitary wastes from vessels must be discharged, the discharge shall be to either the sanitary sewer or into holding tanks that are periodically emptied into a sanitary sewer system. The Permittee will make available at all times a list of contractors providing disposal services and any other alternatives available for complying with these regulations, such as holding tanks and pump-out facilities.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

G2. PROPER OPERATION AND MAINTENANCE

The Permittee shall at all times properly operate and maintain all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by the Permittee for pollution control.

G3. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G4. NONCOMPLIANCE NOTIFICATION

If for any reason, the Permittee does not comply with, or will be unable to comply with, any of the discharge limitations or other conditions specified in the permit, the Permittee shall, at a minimum, provide the Department with the following information:

A. A description of the nature and cause of noncompliance, including the quantity and quality of any unauthorized waste discharges;

B. The period of noncompliance, including exact dates and times and/or the anticipated time when the Permittee will return to compliance; and

C. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the noncompliance.

In addition, the Permittee shall take immediate action to stop, contain, and clean up any unauthorized discharges and take all reasonable steps to minimize any adverse impacts to waters of the state and correct the problem. The Permittee shall notify the Department by telephone so that an investigation can be made to evaluate any resulting impacts and the corrective actions taken to determine if additional action should be taken.

In the case of any discharge subject to any applicable toxic pollutant effluent standard under Section 307(a) of the Clean Water Act, or which could constitute a threat to human health, welfare, or the environment, 40 CFR Part 122 requires that the information specified in Sections G4.A., G4.B., and G4.C., above, shall be provided not later than

24 hours from the time the Permittee becomes aware of the circumstances. If this information is provided orally, a written submission covering these points shall be provided within five days of the time the Permittee becomes aware of the circumstances, unless the Department waives or extends this requirement on a case-by-case basis.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.

G5. BYPASS PROHIBITED

The intentional bypass of wastes from all or any portion of a treatment works is prohibited unless the following four conditions are met:

A. Bypass is: (1) unavoidable to prevent loss of life, personal injury, or severe property damage; or (2) necessary to perform construction or maintenance-related activities essential to meet the requirements of the Clean Water Act and authorized by administrative order;

B. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, maintenance during normal periods of equipment down time, or temporary reduction or termination of production;

C. The Permittee submits notice of an unanticipated bypass to the Department in accordance with Condition G4. Where the Permittee knows or should have known in advance of the need for a bypass, this prior notification shall be submitted for approval to the Department, if possible, at least 30 days before the date of bypass (or longer if specified in the special conditions);

D. The bypass is allowed under conditions determined to be necessary by the Department to minimize any adverse effects. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

After consideration of the factors above and the adverse effects of the proposed bypass, the Department will approve or deny the request. Approval of a request to bypass will be by administrative order under RCW 90.48.120.

G6. RIGHT OF ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;

B. To have access to and copy at reasonable times any records that must be kept under the terms of the permit;

C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;

D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and

E. To sample at reasonable times any discharge of pollutants.

G7. PERMIT MODIFICATIONS

The Permittee shall submit a new application or supplement to the previous application where facility expansions, production increases, or process modifications will (1) result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants, or (2) violate the terms and conditions of this permit.

G8. PERMIT MODIFIED OR REVOKED

After notice and opportunity for public hearing, this permit may be modified, terminated, or revoked during its term for cause including, but not limited to, the following:

A. Violation of any terms or conditions of the permit;

B. Failure of the Permittee to disclose fully all relevant facts or misrepresentations of any relevant facts by the Permittee during the permit issuance process;

C. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit;

D. Information indicating that the permitted discharge poses a threat to human health or welfare;

E. A change in ownership or control of the source; or

F. Other causes listed in 40 CFR 122.62 and 122.64.

Permit modification, revocation and reissuance, or termination may be initiated by the Department or requested by any interested person.

G9. REPORTING A CAUSE FOR MODIFICATION

A Permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for modification or revocation and reissuance under Condition G8. or 40 CFR 122.62 must report such plans, or such information, to the Department so that a decision can be made on whether action to modify or revoke and reissue a permit will be required. The Department may then require submission of a new application. Submission of such application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G10. TOXIC POLLUTANTS

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the Department shall institute proceedings to modify or revoke and reissue the permit to conform to the new toxic effluent standard or prohibition.

G11. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, detailed plans shall be submitted to the Department for approval in accordance with chapter 173-240 WAC. Facilities shall be constructed and operated in accordance with the approved plan.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G14. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G15. REVOCATION FOR NONPAYMENT OF FEES

The Department may revoke this permit if the permit fees established under chapter 173-224 WAC are not paid.

G16. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G17. DUTY TO REAPPLY

The Permittee must reapply for permit renewal at least one hundred eighty (180) days prior to the specified expiration date of this permit.